**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**

**AT HYDERABAD**

**(Special Original Jurisdiction)**

**Monday, the Thirteenth Day of September, Two Thousand and Four**

**Present :**

**The Hon'ble Mr.Justice J.CHELAMESWAR**

**And**

**The Hon'ble Mr.Justice B.SESHASAYANA REDDY**

**W.P.No.12376 of 2004**

**Between :**

**1. The State of Andhra Pradesh represented**

**by its Principal Secretary to Government, Transport, Roads and**

**Buildings Department, Hyderabad.**

**2. The Engineer-in-Chief,**

**R&B Department, Hyderabad .. Petitioners**

**And**

**L.Veeranna, S/o Laxmaiah,**

**Retd. Superintending Engineer (R&B),**

**D.No.43/253-D, N.R.Pet, Kurnool .. Respondent**

**Petition under Article 226 of the Constitution of India to issue an appropriate Writ, order or direction more in nature of WRIT OF CERTIORARI and calling for**

**the records relating to the order passed in O.A.No.1461/2000, dated 29.1.2003 on the file of Hon'ble A.P.Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders as deemed fit and proper in the circumstances of the case.**

**Counsel for the petitioner : Government Pleader for Services**

**Counsel for the respondents : --**

The Court at the admission stage made the following **ORDER : (per BSSR,J)**

This writ petition is directed against the judgment dated 29.01.2003 passed in O.A.No.1461 of 2000 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The respondent herein is the applicant in the said O.A. He filed application under Section 19 of the Administrative Tribunals Act, 1985 to set aside G.O.161, TR&B (Ser.1-3) Department wherein 20% cut in pension as a measure of penalty has been imposed on him.

The respondent while working as Superintending Engineer/R&B involved in some irregularities in accepting the tenders. Three charge-sheets came to be filed against him on various dates. Departmental enquiries were conducted and the respondent applicant was found guilty under all three charges. For the 1st charge, punishment of 10% cut in the pension were imposed. The Tribunal on thorough consideration of the material brought on record upheld the punishment with regard to the third charge. Assailing the order of the Tribunal, the respondents in the O.A. have filed this writ petition.

The learned Government Pleader for Services contends that setting aside the order of the petitioner with regard to the 5% cut consequent on the finding on the charge

No.2 is not legal and proper and the same is required to be interfered with. We have gone through the impugned order. The punishment imposed on the second charge came to be set aside on the ground that the respondent retired on 31.7.1996 i.e., the same day on which the second charge was dated, is not served on the respondent before his retirement. The said finding was recorded by the Tribunal on thorough examination of the material on record. This being a finding of fact, we are not inclined to disturb the said finding in the appeal.

In the result, we see no ground to interfere with the impugned order. Accordingly, the writ petition is dismissed at the admission stage.

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knk 13.09.2004

To

1. The Principal Secretary, Transport, R&B Dept., Secretariat, Hyderabad.
2. The Engineer-in-Chief, R&B, Hyderabad.
3. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad.
4. The Chairman, A.P.Administrative Tribunal, Hyderabad.
5. 2 CD Copies.